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FEB 06 2007

Claims 1-4 continued

whereby said nebulizer propels an aerosol into said non-linear spray chamber and under thermal influence of said temperature control, said aerosol particles shift size distribution either through partial evaporation or condensation, and under geometric influence of said non-linear spray chamber the larger particles are directed to said drain, and the smaller particles are directed to the exit of said non-linear spray chamber.

6. The device of claim 5 wherein the non-linear spray chamber is a stainless steel tube with both a straight section and curved section, said straight section being means for shifting aerosol size distribution, and said curved section providing means for a momentum separator.
7. The device of claim 5 wherein the source of thermal energy for said temperature control is a thermoelectric plate also known as a peltier device, whereby the peltier may raise the temperature of said non-linear spray chamber when operating as a heater, and may decrease the temperature of said non-linear spray chamber when operated as a cooler.
8. The device of claim 7 wherein two aluminum plates of predetermined shape transfer thermal energy between said peltier device and said non-linear spray chamber, the predetermined shape being such that a flat surface exists for intimate thermal contact with said peltier device, a formed recess exists for intimate thermal contact with said non-linear spray chamber, and that the two plates maintain intimate thermal contact with each other when assembled.

#### REMARKS

By the above rewritten claims applicants have defined the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

#### The Rejection Of Claim 1 And Claim 3 As Being Anticipated By Berndt Is Overcome.

The Office Action states that claims 1 and 3 are rejected as being anticipated by Berndt.

*"Berndt shows an aerosol splitting device comprising a nebulizer 30, an non-linear spray chamber including sections 76, 82 and 88, a drain 80 in the spray chamber and means for controlling heating and cooling of the spray chamber, wherein the spray chamber is a tube with a curved section, wherein the heating and cooling is provided by a peltier device."*

Independent Claim 1 has been rewritten as independent Claim 5, and dependent Claim 3 has been rewritten as dependent Claim 7. The rewritten claims emphasize novel features not taught by Berndt.

## PROPOSED AMENDMENT